

REMARKS

By this Amendment, claims 1, 29 and 30 are amended and claims 37 and 38 are added. Accordingly, claims 1-38 are pending in this application, claims 2, 3, 8, 9, 17, 29 and 30 being withdrawn from further consideration. Applicant respectfully submits that new claims 37 and 38 belong to elected Group I, and read on elected Species I, sub-species A. Reconsideration of the application is respectfully requested.

The Office Action maintains the previous objection to the abstract of the disclosure, without providing any further clarification as to the basis and the appropriate correction. Although grammatically incorrect, Applicant hereby submits a substitute Abstract that merely deletes the phrase "A device includes" as apparently required by the Office Action. Should this change not be sufficient to obviate the objection, the Examiner is requested to provide a suggested correction.

The Office Action rejects claims 1, 4-7, 10-16, 18-28 and 31-36 under 35 U.S.C. §103(a) over U.S. Patent No. 4,219,283 to Buckley et al. (Buckley) in view of U.S. Patent No. 4,489,843 to Drozd, Jr. (Drozd). This rejection is respectfully traversed.

Independent claim 1 recites *inter alia* "wherein the ring occupies substantially a same axial position before and after separation of the ring and the closure cap." Applicant respectfully submits that neither Buckley nor Drozd teaches or suggest this feature.

As admitted by the Office Action Buckley does not teach or suggest a ring releasably connected to the threaded portion and arranged to be capable of remaining secured to the neck during removal of the applicator. As such, Buckley cannot teach or suggest a ring that occupies substantially a same axial position before and after separation of the ring and the closure cap, as recited in claim 1.

Drozd discloses a tamper-evident closure for a container 40a. Although Drozd discloses a ring 16a that is separated from a cap 12 when the container 40a is opened for the

first time, the ring 16a drops onto a shoulder of the container 40a (as illustrated in Figure 2) to clearly indicate that the container has been opened. See column 6, lines 26-31, of Drozd.

Thus, Drozd does not teach or suggest a ring that occupies a same axial position before and after separation of the ring from the cap. Moreover, Drozd teaches away from a ring that occupies a same axial position before and after separation because such a ring would defeat the specifically intended purpose of clearly indicating that the container has been opened.

Therefore, Drozd cannot remedy this deficiency of Buckley. Accordingly, claim 1 is patentable over Buckley and Drozd. Claims 4-7, 10-16, 18-28 and 31-36 are patentable over Buckley and Drozd at least in view of the patentability of claim 1 from which they variously depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

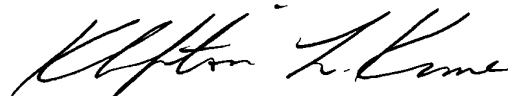
New claims 37 and 38 are patentable at least for the reasons presented above with respect to claim 1.

Rejoinder of claims 2, 3, 8, 9, and 17 upon allowance of claim 1, from which they variously depend, is respectfully requested. Further, rejoinder of claims 29 and 30 upon allowance of claim 1 is respectfully requested as these claims are amended to recite subject matter similar to amended claim 1. Thus, claims 29 and 30 should be allowable for at least the reasons claim 1 is allowable.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination
Amendment Transmittal
Substitute Abstract

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